

05-08-02

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600 CONGRESS AVENUE, SUITE 2400
AUSTIN, TEXAS 78701-3271
WWW.FULBRIGHT.COM

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STEVEN LEE HIGHLANDER
PARTNER
SHIGHLANDER@FULBRIGHT.COM

DIRECT DIAL: (512) 536-3184
TELEPHONE: (512) 474-5201
FACSIMILE: (512) 536-4598

May 6, 2002

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BOX PETITIONS

Commissioner for Patents
Washington, D.C. 20231

Re: *SN 09/775,051 "PROTEIN/SOLUBILITY FOLDING ASSESSED BY
STRUCTURAL COMPLEMENTATION" – By Philip Jordan Thomas et al.*
F&J Ref. No. UTSD:703US - Matter No. 10100385

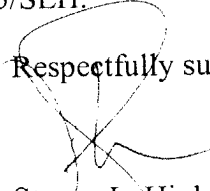
Dear Commissioner:

Enclosed for filing in the above-referenced patent application is:

1. Petition to Make Special Under 37 C.F.R. §1.102(D);
2. Second Preliminary Amendment;
3. Declaration of Philip Jordan Thomas; and
4. A return postcard to acknowledge receipt of these materials. Please date stamp and mail this postcard.

Should any fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to the enclosed materials, the Commissioner is authorized to deduct said fees from Fulbright & Jaworski L.L.P. Account No.: 50-1212/10100385/SLH.

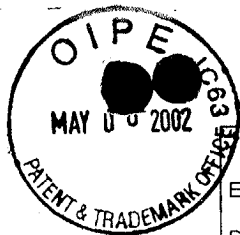
Respectfully submitted,


Steven L. Highlander
Reg. No. 37, 642

SLH/cpj

Encl.:

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Philip Jordan THOMAS *et al.*

Serial No.: 09/775,051

Filed: January 31, 2001

For: PROTEIN/SOLUBILITY FOLDING
ASSESSED BY STRUCTURAL
COMPLEMENTATION

Group Art Unit: 1656

Examiner: D. Gunter

Atty. Dkt. No.: UTSD:703US/SLH

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PETITION TO MAKE SPECIAL UNDER 37 C.F.R. § 1.102(D)

Hon. Commissioner for Patents
Washington, D.C. 20231

Commissioner:

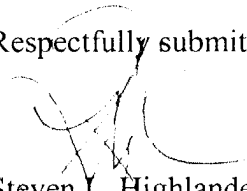
Applicants hereby file this Petition to Make Special under 37 C.F.R. § 1.102(d) on the grounds of alleged infringement. The specific facts regarding the alleged infringement are set out in the accompanying declaration of Dr. Philip Thomas, one of the inventors for the above-captioned application. Also provided is a published paper by Nixon & Benkovic evidencing the infringement.

As summarized in Dr. Thomas' declaration, the attached paper shows that each element of at least claim 1 of the above-captioned application can be found in the methods described by Nixon & Benkovic. Thus, it is believed that the paper constitutes *prima facie* evidence of infringement, providing grounds for granting of this petition. MPEP § 708.02(II).

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Applicants authorize the Commissioner to debit the fee for this petition under 37 C.F.R. §1.17 to Fulbright & Jaworski Deposit Acct. No. 50-1212. Any questions regarding this submission may be directed to the undersigned.

Respectfully submitted,


Steven L. Highlander
Reg. No. 37,642
Attorney for Applicants

FULBRIGHT & JAWORSKI L.L.P.
600 Congress Avenue, Suite 2400
Austin, Texas 78701
(512) 536-3184

Date: May 6, 2002